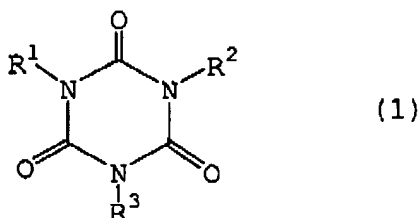


IN THE CLAIMS

Please amend the claims to read as follows:

1. (Amended) A non-aqueous electrolyte battery containing comprising a positive electrode, a negative electrode and a non-aqueous liquid electrolyte comprising an electrolyte salt dissolved in an organic solvent, wherein the non-aqueous electrolyte contains includes a compound represented by the following formula (1):



wherein in the above formula (1), R<sup>1</sup>, R<sup>2</sup> and R<sup>3</sup> independently represent a hydrogen atom, a halogen atom or a straight chain or branched chain alkyl group.

2. (Original) A non-aqueous electrolyte battery according to claim 1, wherein said compound is at least one compound selected from the group consisting of tris(2-carboxyethyl) isocyanurate and derivatives thereof.

3. (Original) A non-aqueous electrolyte battery according to claim 1, wherein said compound is tris(2-methoxycarboxyethyl) isocyanurate.

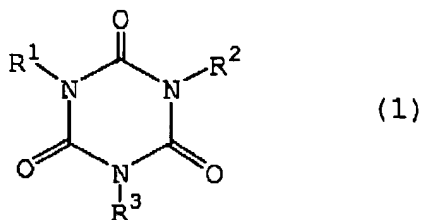
4. (Original) A non-aqueous electrolyte battery according to claim 1, wherein said organic solvent is at least one organic compound selected from the group consisting of carbonic acid esters, cyclic carboxylic acid esters and phosphoric acid esters.

5. (Original) A non-aqueous electrolyte battery according to claim 1, wherein the content of the compound is not less than 0.01% by weight and less than 20% by weight based on the weight of the non-aqueous electrolyte.

6. (Original) A non-aqueous electrolyte battery according to claim 1, wherein the negative electrode comprises a carbon material.

7. (Original) A non-aqueous electrolyte battery according to claim 6, wherein the carbon material is a graphitized mesophase spherule.

8. (Amended) A non-aqueous electrolyte containing comprising an organic solvent and an electrolyte salt, wherein the non-aqueous electrolyte is a liquid comprising contains a compound represented by the following formula (1):



wherein in the above formula (1),  $R^1$ ,  $R^2$  and  $R^3$  independently represent a hydrogen atom, a halogen atom or a straight chain or branched chain alkyl group.

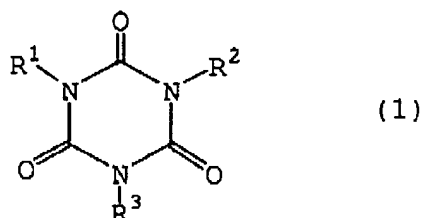
9. (Original) A non-aqueous electrolyte according to claim 8, wherein said compound is at least one compound selected from the group consisting of tris(2-carboxyethyl) isocyanurate and derivatives thereof.

10. (Original) A non-aqueous electrolyte according to claim 8, wherein said compound is tris(2-methoxycarboxyethyl) isocyanurate.

11. (Original) A non-aqueous electrolyte according to claim 8, wherein said organic solvent is at least one organic compound selected from the group consisting of carbonic acid esters, cyclic carboxylic acid esters and phosphoric acid esters.

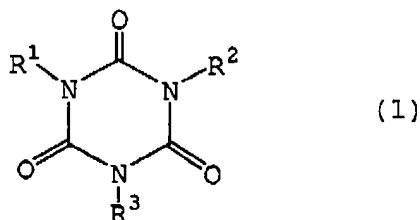
12. (Original) A non-aqueous electrolyte according to claim 8, wherein the content of the compound is not less than 0.01% by weight and less than 20% by weight based on the weight of the non-aqueous electrolyte.

13. (New) A non-aqueous electrolyte battery comprising a positive electrode, a negative electrode and a non-aqueous electrolyte comprising an electrolyte salt dissolved in an organic solvent, wherein the non-aqueous electrolyte comprises a compound represented by the following formula (1):



wherein in the above formula (1), R<sup>1</sup>, R<sup>2</sup> and R<sup>3</sup> independently represent a hydrogen atom, a halogen atom or a straight chain or branched chain saturated alkyl group.

14. (New) A non-aqueous electrolyte comprising an organic solvent and an electrolyte salt, comprising a compound represented by the following formula (1):



wherein in the above formula (1),  $R^1$ ,  $R^2$  and  $R^3$  independently represent a hydrogen atom, a halogen atom or a straight chain or a saturated branched chain alkyl group.

15. (New) A non-aqueous electrolyte battery according to claim 1, wherein at least one of  $R^1$ ,  $R^2$  and  $R^3$  represents a saturated branched chain alkyl group.

16. (New) A non-aqueous electrolyte according to claim 8, wherein at least one of  $R^1$ ,  $R^2$  and  $R^3$  represents a saturated branched chain alkyl group.

17. (New) A non-aqueous electrolyte battery according to claim 13, wherein at least one of  $R^1$ ,  $R^2$  and  $R^3$  represents a saturated branched chain alkyl group.

18. (New) A non-aqueous electrolyte according to claim 14, wherein at least one of  $R^1$ ,  $R^2$  and  $R^3$  represents a saturated

branched chain alkyl group.

19. (New) A non-aqueous electrolyte battery according to claim 1, wherein at least one of  $R^1$ ,  $R^2$  and  $R^3$  represents a saturated straight chain alkyl group.

20. (New) A non-aqueous electrolyte according to claim 8, wherein at least one of  $R^1$ ,  $R^2$  and  $R^3$  represents a saturated straight chain alkyl group.

21. (New) A non-aqueous electrolyte battery according to claim 13, wherein at least one of  $R^1$ ,  $R^2$  and  $R^3$  represents a saturated straight chain alkyl group.

22. (New) A non-aqueous electrolyte according to claim 14, wherein at least one of  $R^1$ ,  $R^2$  and  $R^3$  represents a saturated straight chain alkyl group.